

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claim 12 is rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101" – publicly available at USPTO.GOV, "memorandum to examining corp"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. In order for a process to be "tied" to another statutory category, the structure of another statutory category should be positively recited in a step or steps significant to the basic inventive concept, and NOT just in association with statements of intended use or purpose, insignificant pre or post solution activity, or implicitly.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3,5-9 and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lines 10-11, claim 5 lines 21-22, claim 12 line 9 recite the limitation "*one of* said first and second pixels" there is no sufficient antecedent bases for the limitation in the claims.

Claim 1 recites "values for *one of* said first and second pixels" on lines 14-15, it is not clear whether "*one of* said first and second pixels" on lines 14-15 is the same or different from "*one of* said first and second pixels" on lines 10-11? If it is the same it has to refer to it and if it is different it has to be differentiated from it.

As to claims 5 and 12 refer to claim 1 above.

Allowable Subject Matter

3. Claims 1-3,5-9 and 12-13 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 101 and the rejections under 35 U.S.C. 112, second paragraph.

Reasons for allowance

4 The following is an examiner's statement of reasons for allowance: In addition to the teaching of claims 1,5 and 12 as a whole, the closets art of record failed to teach or suggests among other thing, *"arranging for said de-compressing processor to assign to first and second chrominance values for the one of said first and second pixels representing substantially white or black the value of zero,*

to assign to first and second chrominance values for the other of said first and second pixels, not representing substantially white or black, twice the value of the first and second input chrominance values respectively in combination with other limitations of the claim."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEKONEN BEKELE whose telephone number is (571)270-3915. The examiner can normally be reached on Monodly to Friday from 8:00am to 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AHMED SAMIR can be reached on (571)272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MEKONEN BEKELE/
Examiner, Art Unit 2624
November 8, 2008

/Samir A. Ahmed/
Supervisory Patent Examiner, Art Unit 2624.